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NO LABELS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAE STEWARD,

Plaintiff,

vs.

NO LABELS,

Defendant.

Case No. 24-mc-80209-SVK

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER ANOTHER
PARTY'S MATERIAL SHOULD BE
SEALED**

(Related to Case No. 1:23-cv-01384 (GBW)
(SLC), pending in the United States District
Court for the District of Delaware)

Pursuant to Civil Local Rules 79-5(f) and 7-11 and the Stipulated Protective Order entered by the U.S. District Court for the District of Delaware in the case of *No Labels v. No Labels.com Inc.*, case No. 23-cv-01384, (the "Underlying Action") on January 25, 2024, No Labels submits this Administrative Motion to Consider Whether Another Party's Material Should Be Sealed. Pursuant to the Stipulated Protective Order (**Exhibit A**): "[D]ocuments containing information designated "Confidential" [...] shall be filed with the court under seal." See Stipulated Protective Order, ¶ 9.

I. Plaintiffs Conditionally Lodge Under Seal Documents Designated as Confidential by Non-Party Lucy Caldwell in the Underlying Action

Pursuant to Civil Local Rule 79-5(e), Plaintiffs hereby notify the Court that they have conditionally filed under seal a document which has been designated Confidential by non-party, Lucy Caldwell, in the Underlying Action. Specifically, No Labels has conditionally filed under seal Exhibit B to their Opposition to Rae Steward's Motion to Quash or For Protective Order ("Opposition"). No Labels has also conditionally filed under seal a non-redacted version of the Opposition, which contains quotes and/or summaries of the material that has been marked Confidential.

Non-party Lucy Caldwell, the designating party, is not an ECF user in the instant action; a copy of this Motion will be served on Caldwell's attorney the same day it is filed. Pursuant to Local Rule 79-5(f)(3):

Within 7 days of the motion's filing, the Designating Party must file a statement and/or declaration as described in subsection (c). A failure to file a statement or declaration may result in the unsealing of the provisionally sealed document without further notice to the Designating Party.

This application is also based on the information set forth in the Declaration of Aaron M. Brian in Support of this Administrative Motion to File Under Seal, filed concurrently herewith.

Dated: September 3, 2024

NIXON PEABODY LLP

By: /s/Aaron M. Brian

Mark D. Lytle *pro hac vice* forthcoming
Aaron M. Brian
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NO LABELS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed with the Court and electronically served through the CM-ECF system which will send a notification of such filing to all counsel of record.

Dated: September 3, 2024

NIXON PEABODY LLP

By: /s/Aaron M. Brian

Mark D. Lytle *pro hac vice forthcoming*

Aaron D. Brian

Attorneys for Defendant

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